



COLLIER COUNTY MANAGER'S OFFICE

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

January 22, 1993

Ms. Donna Searcy
Secretary
Federal Communications Commission
1919 M Street, NW
Washington, D. C. 20554

Dear Ms. Searcy:

Please find enclosed Collier County's responses to the notices of proposed rulemaking for MM Docket No. 92-263 and MM Docket No. 92-266.

Very truly yours,

Jennifer J. Edwards
Jennifer J. Edwards
Assistant to the County Manager

JJE/sab

cc.: Burt L. Saunders, Chairman, Board of County Commissioners
Brad Estes, Greater Naples Civic Association

The cable operator with the largest customer base requires subscribers to subscribe to either 12 channels at \$15.95 or 50 channels for \$23.50. The operator with less subscribers requires either 12 channels at \$11.95 or 56 channels for \$23.45. Most of the significantly-viewed satellite channels formerly within the lower tier in 1985 have been distributed throughout the preferred basic service creating a "forced upgrade" situation.

The so-called "bulk rate" agreements have been disastrous to our community with multi-family rates now in effect as low as \$4.95 per month per unit for cable service packages for which single-family residents pay over \$30 per month. Local governments need the authority to assure that a cable operator does not use single-family service revenues to offset losses in the multi-family market.

Local governments have been unable to respond to either the rate or channel-lineup issues. Cable television is primarily a local issue. Therefore, maximum authority permitted under The 1992 Cable Act should be restored to local government.

COLLIER COUNTY GOVERNMENT'S POSITIONS ON FCC PROPOSALS

Effective Competition: Collier County agrees with FCC's position that local government be the authority to determine the existence or non-existence of "effective competition."

Franchise Authority Certification: Collier County finds the FCC proposed rule on franchise authority certification reasonable. The FCC's proposed safeguard that the franchise authority must file its intent with the franchise holder provides for the opportunity for filing of objections by the franchise holder.

Regulation of Basic Service Tier: Collier County disagrees with the FCC's proposed position to regulate basic service tiers by the "benchmarking" method, utilizing existing industry data to determine the "benchmark".

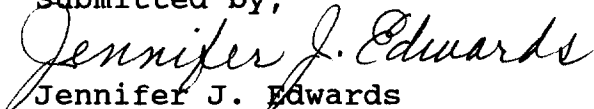
The use of "benchmark rates" heavily relies on an assumption that cable rates where competition exists are truly representative of what cable rates should be. We question that assumption since mature cable marketplace competition is rare, programming has not been readily available at competitive prices for the so-called overbuilds and markets where competitive systems exist tend to buy one or the other out.

We urge the FCC to adopt the traditional return-of-investment (cost-of-service) method which has proven successful in regulating utilities throughout the country. With this method, appropriate and reasonable revenues and expenses can be identified as well as a rate or rates which will provide a reasonable profit. There is considerable governmental experience regulating public utilities including benchmarks on profit levels from those industries whether they be telephone, electric, water and sewer or natural gas.

We also urge the FCC to provide itself and local government rate roll back authority, with additional authority to order rate refunds for excessive charges since the effective date of The Cable Act of 1992 in December, 1992.

Regulation of Expanded Service Tiers: Collier County disagrees with the FCC's proposed position of the "benchmarking" method on the same grounds enumerated above. We also urge the FCC to include in its rules, the authority for rate rollback and rate refunds for excessive charges since the effective date of The Cable Act of 1992.

Submitted by,



Jennifer J. Edwards
Assistant to the County Manager
Collier County Government
3301 East Tamiami Trail
Naples, Florida 33962

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

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In the Matter of

Implementation of Section 8 of
the Cable Television Consumer
Protection and Competition
Act of 1992

Consumer Protection and Customer
Service

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

MM Docket No. 92-263

TO: The Commission

Reply Comments of Collier County Government

Collier County Government submits these reply comments to the above captioned proceeding.

Collier County Government has reviewed the comments submitted by the National Association of Telecommunications Officers and Advisors, National League of Cities, United States Conference of Mayors, and the National Association of Counties ("Local Governments") submitted in this proceeding. Collier County believes that the comments filed by Local Governments accurately reflect Collier County's position on the implementation of Section 8 of the Cable Television Consumer Protection and Competition Act of 1992. Accordingly, Collier County concurs with the comments filed by Local Governments and respectfully requests the Federal Communications Commission to consider carefully these comments.

Collier County believes that the Commission should adopt a set of specific standards which will ensure adequate customer service throughout the country. The Commission established standards should be self-executing and should apply to all cable systems as of the date of adoption of the standards by the FCC, without any further action to be taken by franchising authorities.

The general rule that the Commission-established standards will apply to all cable operators should be subject to three exceptions: (1) where a franchising authority determines to waive one or more of the FCC standards in favor of less stringent standards; (2) where the franchising authority has more stringent customer service standards already in place; or (3) where a franchising authority exercises its right to promulgate more stringent standards or standards not

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addressed by the FCC standards.

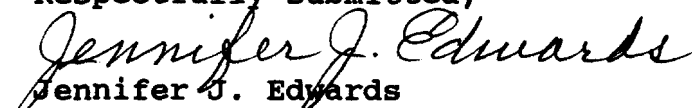
Franchising authorities should be primarily responsible for enforcing the Commission-established standards. The Commission, if necessary, could act as a final arbiter of disputes between franchising authorities and cable operators.

Collier County believes that the Commission should establish comprehensive consumer protection rules. Customer service was a paramount concern of Congress in the passage of the 1992 Act. The legislative history of the 1992 Act is replete with testimony from cable subscribers, consumer groups and franchising authorities documenting customer services problems -- problems that are evident in both large and small systems.

Collier County urges the Commission not to adopt the NCTA standards. While the NCTA standards may provide a useful starting point in crafting a set of customer service standards, they are lacking in two key respects: they are neither stringent nor specific enough, and they do not address issues and areas that should be addressed, such as credits for a failure by the cable operator to keep a service call and credits for a failure by a cable operator to correct an outage or other reception problem promptly.

Collier County believes that the approach proposed by Local Governments, as filed in their comments, will ensure adequate customer service for cable customers in Collier County as well as throughout the country, and will not unreasonably burden cable operators.

Respectfully submitted,


Jennifer J. Edwards
Assistant to the County Manager
Collier County Government
3301 E. Tamiami Trail
Naples, Florida 33962

COLLIER COUNTY GOVERNMENT
3301 EAST TAMiami TRAIL
NAPLES, FLORIDA 33962

RESPONSE TO NOTICE OF PROPOSED RULEMAKING
FEDERAL COMMUNICATIONS COMMISSION

In the matter of

Implementation of
Sections of the Cable
Television Consumer
Protection and Competition
Act of 1992

MM Docket 92-266

BACKGROUND

The citizens of unincorporated portions of Collier County receive cable service from two cable operators: Cablevision Industries and Colony Cablevision of Florida. The subscriber base is approximately 8,350 and 44,547, respectively. The current franchise agreements date back to the 1960's and will expire in 1997.

OVERVIEW

It is the County's desire to regulate cable operators the same as any other franchisee of Collier County government. To this end, the authority to control its local cable television franchisee must be returned to local government, including flexibility for rate regulation.

The federal government's involvement in local government's authority through de-regulation of the cable industry has proven to be highly detrimental to communities.

Between the two operators, the subscribers in the unincorporated portions of Collier County have experienced an average rate increase of 9% within the last three months. The latest increases were announced after the effective date of the Cable Act of 1992.